

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO 6642 OF 1998

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

1. Whether Reporters of Local Papers may be allowed to see the Order ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the Order ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

CHATURBHAI T ALGOTAR
VERSUS
THE STATE OF GUJARAT

Appearance:

MR PR NANAVATI for the Petitioner.

None present for the Respondents

CORAM : MR JUSTICE S.K. KESHOTE

Date of Order : 24/08/1999

C A V JUDGMENT

#. The petitioner, an employee of the respondents, by this writ petition seeks to challenge the inaction on the part of the respondents in spite of several representations made by him for giving Permanent

Travelling Allowance to him though he has legitimately entitled as per his service condition and when all other similarly situated employees under the respondents are getting the same and same is stated to be wholly arbitrary, unjust, improper, discriminatory and violative of Articles 14 & 16 of the Constitution.

#. Heard learned counsel for the petitioner.

#. It is really shocking and surprising that in such petty matters, the employee has to come up before this court because of inaction on the part of the respondents not to respond to his representation. In the service matters, the employees are first to approach the higher authorities in the department for their grievances and the same has to take care of the grievances. Where the grievances are not legally acceptable then a reasoned order has to be passed on the representation. Then the petitioner may take the recourse to legal remedy available for redressal of his grievances. If this is done and this should have been done, I am confident that at least 50% of the matters, which are coming up before this court may not come.

#. In this case, on 11/3/1999 while admitting this petition, this court has directed the respondent No.1 to consider the representation made by the petitioner and/or pending before the Govt. for its consideration. The decision taken was ordered to be placed before this court. This order has been passed on 11/3/1999 and it is really shocking that the same has not been complied with by the respondent No.1, which is a welfare State. Not only this even the respondent No.1 has not cared to file reply to this special civil application, what to say to comply with the order of the court.

#. The officers of the State of Gujarat are taking the court's order as if it meant for flouting or not to be complied with. Noncompliance of the court's order or directions is serious thing and the officer concerned may be in trouble but normally the courts are not taking such harsh action in each and every case. But if it persists then naturally the court has to take drastic action because otherwise this very system will be collapsed. The faith and confidence of the litigants in this institution will be shaken and the very purpose of the framing of the Constitution to provide total independence to the judiciary will be nugatory. Be that as it may.

#. This is a matter where first the respondent No.1 has to decide the claim of the petitioner for Permanent

Travelling Allowance. This writ petition, at this stage deserves to be dismissed and the same is dismissed accordingly. The petitioner is at liberty to file a detailed representation in respect of the grievances made in this Special Civil Application to the respondent No.1 and if such a representation is made the respondent No.1 to be decide the same within a period of one month from the date of receipt thereof. In case, the claim of the petitioner is not acceptable, a reasoned order may be passed and the copy of the same may be sent to him by Registered Post A.D. Where the claim of the petitioner is acceptable then he shall be given all the consequential benefits. Liberty is granted to the petitioner for revival of this Special Civil Application in case of difficulty.

Rule discharged subject to the above directions.

(S.K.Keshote, J.)

*Pvv